

COMMONWEALTH OF MASSACHUSETTS

**NOTICE OF THE REGULARLY SCHEDULED MEETING OF THE
BOARD OF REGISTRATION IN NURSING**

Wednesday September 11, 2013
9 a.m. to 3 p.m.

239 Causeway Street ~ 4th Floor ~ Room 417A
Boston, Massachusetts 02114

Preliminary Agenda

9/5/2013 2:10 PM

Time	Item #	Item	Exhibits	Staff Contact
9:00 a.m.	I.	Call to Order and Staff Introductions		
	II.	Approval of Agenda	Agenda	
	III.	Adjudicatory Session	Closed Session	
	IV.	G.L. c. 112, § 65C Session	Closed Session	
9:30 a.m.	V.	Approval of Minutes A. July 10, 2013 Regularly Scheduled Meeting	Minutes	

	VI.	Reports A. Chairperson and Board Members' Reports B. Executive Director's Report C. Staff Report 1. Deputy Executive Director 2. Policy and Research 3. Practice 4. Education 5. Complaint Resolution 6. SARP	Verbal Report none Report Report Report Report Report Report	CR CS LT CS AF/HC VI/DM/CJ
Time	Item #	Item	Exhibits	Staff Contact
	VII.	Consensus Agenda A. NCSBN Update B. Coalition for the Prevention of Medical Errors Update C. Quarter 2, 2013 NCLEX Report	None June, 2013 minutes and June/July 2013 Report Memo/Tables	LT LT JMP/CS
	VIII.	Requests for License Reinstatement 1. S Geary, RN194488; RN-98-118 2. J. Yawe, RN275325; 20080812-RN-025	Request memo	TW/MS

	IX. A. Resolution of Pending Board Complaints (cont'd) 45. P. Ndegwa, LN86690, NUR-2012-0286 46. R. Marquis, LN58530, NUR-2012-0242 47. K. Messere, RN251098, NUR-2012-0262 48. C. Perry, RN165589, NUR-2013-0081 B. Resolution of Pending Board Staff Assignments 4. K. McWilliams, RN/NM156043, SA-INV-3011 5. E. Ceffalo, LN47686, SA-INV-2967 6. L. Lennon, LN55018, SA-INV-2740	Investigative Report (IR) IR IR IR IR IR IR	ES/HC ES/AF ES/AF DE/HC ES/HC MEM/AF MEM/HC
2:00 p.m.	X. Practice C. AR 9401 Medication Administration Program (MAP) revision D. AR 9101 Sedation revision	Memo Memo	LT LT
	XI. Education A. 244 CMR 6.04(1)(c) & (f) notifications: 1. Roxbury Community College, CEO, Associate Degree RN and PN Programs 2. Upper Cape Cod Regional Technical School, Program Administrator, PN Program 3. MassBay Community College, Program Administrator, Associate Degree RN Program B. 244 CMR 6.06(1) Site Survey Recommendations 1. Bristol-Plymouth Regional Technical School, Practical Nursing Program 2. Southeastern Technical Institute, Practical Nursing Program C. 244 CMR 6.05(2) Application for Initial Approval, Practical Nurse Program, Mildred Elley School	Verbal Report Compliance Report Compliance Report Compliance Report	CS JMP/CS JMP/CS JMP/CS
Time	Item #	Exhibits	Staff Contact
	XII.	Report	CS

	XIII.	Proposed SARP Policy 13-01: SARP Eligibility Criteria for Nurses Undergoing Suboxone Opioid Substitution Therapy	Memo	DMV/CJ
	XIV.	Announcements/Other		
3:00 pm	XV.	Adjournment		

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN NURSING**

239 Causeway Street, Room 417A
Boston, MA 02114

**Minutes of the Regularly Scheduled Board Meeting
Wednesday, September, 11, 2013**

Board Members Present

S. Kelly, RN/NP, Chair
K. Gehly, RN/NP, Vice Chair
M. Beal, RN/NM
P. Gales, RN
J. Killion, LPN
B. Levin, RN
C. Lundeen, RN (arrived 9:12am; left 2:05pm)
A. Peckham, RN
E. Richard Rothmund, Public Member
J. Roy, RN (left 2:05pm)
C. Simonian, PharmD, RPh
C. Tebaldi, RN/NP (left 12:40pm)

Board Members Not Present

Board Staff Present

H. Cambra, RN, JD, Complaint Resolution Coordinator
A. Fein, RN, JD, Complaint Resolution Coordinator
V. Iyawe, RN, SARP Coordinator
D. Mclellan, RN, SARP Coordinator
J. Pelletier, RN, Nursing Education Coordinator
C. Robertson, RN, Deputy Executive Director
C. Silveira, RN, Assistant Director
M. Strachan, JD, Board Counsel
L. Talarico, RN/NP, Nursing Practice
T. Westgate, Paralegal
C. Jackson, BA, SARP/MPRS Coordinator

Board Staff Not Present

Rula Harb, Executive Director
Vita Berg, Board Counsel

Guests

See attached list.

TOPIC:

Call to Order

S. Kelly, Chairperson, welcomed two new Compliance Officers, Carey Lambert RN and Phil Beatti

DISCUSSION:

A quorum of the Board was present.

ACTION:

At 9:02 a.m., S. Kelly, Chairperson, called the September 11, 2013 Regularly Scheduled Board Meeting to order.

TOPIC:

Approval of the Agenda

DISCUSSION:

None

ACTION:

Motion by B. Levin, seconded by E.R. Rothmund, and unanimously passed to approve the agenda as presented/as revised.

TOPIC:

Adjudicatory Session

DISCUSSION:

None

ACTION:

Motion by B. Levin, seconded by M. Beal, and unanimously passed by roll call vote to go into Adjudicatory Session at 9:03 a.m. to discuss decisions in pending adjudicatory matters.

Adjudicatory Session 9:03 a.m. to 9:15 a.m.

TOPIC:

G.L. c. 112, s. 65C Session

DISCUSSION:

None

ACTION:

Motion by K. Gehly, seconded by B. Levin, and unanimously passed by roll call vote to go into G.L. c. 112, s. 65C Session at 9:15 a.m. to discuss negotiated settlements of complaints.

G.L. c. 112, s. 65C Session 9:15 a.m. to 9:50 a.m.

RECESS 10:32a.m. to 10:45 a.m.

TOPIC:

Approval of the Minutes of the July 10, 2013, Regularly Scheduled Board Meeting

DISCUSSION:

None

ACTION:

Motion by B. Levin, seconded by A. Peckham, and unanimously passed to accept the Minutes of the July 10, 2013, Regularly Scheduled Board Meeting.

TOPIC:

Reports

- A. Chairperson and Board Members' Reports
- B. Executive Director's Report
- C. Staff Reports
 - 1. Deputy Executive Director
 - 2. Associate Director for Policy and Research
 - 3. Practice
 - 4. Education
 - 5. Complaint Resolution
 - 6. SARP

DISCUSSION:

A. Chairperson and Board Members Reports:

K. Gehly, Vice Chair provided an update on the National Council State Board of Nursing (NCSBN) Annual Delegate Assembly meeting she attended with S. Kelly, A. Peckham and B. Levin on August 14-16, 2013.

B. Executive Director's Report:

None

C. Staff Reports:

- 1. Board members reviewed C. Robertson's previously distributed report
- 2. Board members reviewed C. Silveira's previously distributed report. Ms. Silveira also distributed a color copy of the 2013 edition of *Nursing Board News*, published on the Board's website in July.
- 3. Board members reviewed L. Talarico's previously distributed reports.
- 4. Board members reviewed J. Pelletier's previously distributed report
- 5. Board members reviewed A. Fein's and H. Cambra's previously distributed report.
- 6. Board members reviewed V. Iyawwe's and D. Mclellan's previously distributed report

ACTION:

- A. So noted.
- B. So noted.
- C. So noted.

TOPIC:

- A. NCSBN Update
- B. Coalition for the Prevention of Medical Errors Update

DISCUSSION:

- A. NCSBN Update: none provided
- B. Coalition for the Prevention of Medical Errors Update: Board members were provided the June/July 2013 reports and June 2013 minutes provided by the Coalition for the Prevention of Medical Errors. L. Talarico reviewed with the Board a consideration that Board staff no longer print out the entire Coalition report unless specifically requested by an individual member for their personal review. Board members agreed to retain the report as part of the packet for their reference, but will no longer expect Board staff to print it for members without an expressed request to do so. Individual Board members may request that staff print a copy for that individual for a mutually agreed upon method of delivery.

ACTION:

- A. Accepted by consensus
- B. Accepted by consensus

TOPIC:

Requests for License Reinstatement

- 1. S. Geary, RN194488; RN-98-118
- 2. J. Yawe, RN275325; 20080812-RN-025

DISCUSSION: Board members reviewed T. Westgate's previously distributed memos.

- 1. S. Geary, RN194488; RN-98-118: Licensee did not properly document controlled substances. Did not document patients need for and response to medications.
- 2. J. Yawe, RN275325; 20080812-RN-025: Licensee failed to provide ordered treatments and medications to patients, he failed to appropriately document treatments and medications, failed to report errors to medical staff. Licensee also accepted care for a patient with whom he had a previous personal relationship with.

ACTION:

- 1. S. Geary, RN194488; RN-98-118: Motion by E. R. Rothmund, seconded by K. Gehly and unanimously voted to accept the Licensee's request for reinstatement as he has met all the terms outlined in the Agreement on the condition that he enters into a standard two (2) year Probation Agreement with continued urines and also properly renews his license.
- 2. J. Yawe, RN275325; 20080812-RN-025: Motion by K. Gehly, seconded by B. Levin and unanimously voted to terminate the surrender as the Licensee has met the requirements set forth in the Agreement and place the Licensee on Probation for no less than one (1) year. The Licensee must also renew his license.

TOPIC:

Resolution of Pending Board Complaints and Staff Assignments

A. Resolution of Pending Board Complaints

- 1. S. Henry, LN60332, NUR-2012-0186
- 2. C. Coache, LN69481, NUR-2012-0185
- 3. D. Nelson, LN60059, NUR-2012-0225
- 4. L. Miringu, RN257401, NUR-2012-0230
- 5. A. West, LN47846, NUR-2012-0179
- 6. P. Ouimette, LN47709, NUR-2012-0196
- 7. D. Laurie, RN194577, NUR-2012-0217

8. S. Parker, LN63115, NUR-2012-0212
9. D. Kenney, RN/PC163604, NUR-2012-0202
10. M. Lankoande, RN2261783, NUR-2012-0200
11. R. Eloi, LN69413, NUR-2012-0218
12. T. Tang, RN2275345, NUR-2012-0237
13. A. Ohrenberger, RN143580, NUR-2013-0056
14. N. Belliveau, RN274374, NUR-2013-0087
15. K. Nickerson, RN214769, NUR-2013-0089
16. C. Brick, RN284789, NUR-2012-0216
17. A. Springston, RN2269624, NUR-2013-0064
18. S. Fitzgerald, RN270347, NUR-2012-0222
19. K. Scott, RN266710, NUR-2012-0299
20. S. Roberts, RN 267660, NUR-2013-0077
21. P. Ndegwa, LN86690, NUR-2012-0286
22. R. Marquis, LN58530, NUR-2012-0242
23. K. Messere, RN251098, NUR-2012-0262
24. C. Perry, RN165589, NUR-2013-0081

B. Resolution of Pending Board Staff Assignments

1. K. McWilliams, RN/NM156043, SA-INV-3011
2. E. Ceffalo, LN47686, SA-INV-2967
3. L. Lennon, LN55018, SA-INV-2740

DISCUSSION:

Compliance Officers and the Complaint Resolution Coordinators presented their previously distributed Investigative Reports for Board Review and Action together with relevant clarifications, supplemental information and revised Complaint Resolution Coordinators' recommendations as necessary, if any.

ACTION:

A. Resolution of Pending Board Complaints

1. S. Henry, LN60332, NUR-2012-0186 – Motion by J. Killion, seconded by J. Roy and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR PROBATION of her LPN license for one year that also requires documentation of her successful completion of six (6) contact hours on Physical Assessment, six (6) contact hours on Handling Medical Emergencies including Dyspnea and Other Alterations in Respiratory Status, three (3) contact hours on Critical Thinking and Judgment in Nursing Practice, three (3) contact hours on Legal and Ethical Aspects of Nursing and three (3) contact hours in Documentation in Nursing Practice.
2. C. Coache, LN69481, NUR-2012-0185 – P. Gales recused herself from all participation in this matter and left the room. Motion by B. Levin, seconded by E.R. Rothmund and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT for a *NON-DISCIPLINARY* STAYED PROBATION of her LPN license for a six (6) month period that incorporates the Board's standard probation agreement requirements regarding practice setting restrictions, supervisor verification, supervision and performance evaluations, active practice and continuing education related conditions, as well as documentation of her successful completion of six (6) contact hours on Physical Assessment, six (6) contact hours on Handling Medical Emergencies including Dyspnea and Other Alterations in Respiratory Status, three (3) contact hours on Critical Thinking and

Judgment in Nursing Practice, and three (3) contact hours on Legal and Ethical Aspects of Nursing.

3. D. Nelson, LN60059, NUR-2012-0225 – Motion by E.R. Rothmund, seconded by B. Levin and voted unanimously to DISMISS this complaint without prejudice based on insufficient evidence to substantiate the allegations presented by the complaint, including however a NON-DISCIPLINARY CAUTION that all nurses licensed by the Board must adhere to the standards of nursing practice requiring their protection of patient rights and dignity, and recognition prevention of patient abuse
4. L. Miringu, RN257401, NUR-2012-0230 – Motion by P. Gales, seconded by B. Levin and voted unanimously to DISMISS this complaint without prejudice based on discipline not being warranted, including however a NON-DISCIPLINARY CAUTION that all nurses licensed by the Board must adhere to the standards of nursing practice requiring that they practice in a safe and competent manner at all times while a patient is under their care.
5. A. West, LN47846, NUR-2012-0179– Motion by C. Simonian, seconded by A. Peckham and voted unanimously to DISMISS the complaint without prejudice for insufficient evidence to establish the allegations.
6. P. Ouimette, LN47709, NUR-2012-0196– Motion by E.R. Rothmund, seconded by B. Levin and voted unanimously to DISMISS the complaint without prejudice based upon discipline not warranted.
7. D. Laurie, RN194577, NUR-2012-0217– Motion by J. Killion, seconded by K. Gehly and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR PROBATION of her RN license for six (6) months that also requires documentation of her successful completion of six (6) contact hours on Therapeutic Communication, three (3) contact hours on Care of the Dying Patient, and three (3) contact hours on Critical Thinking and Judgment in Nursing Practice.
8. S. Parker, LN63115, NUR-2012-0212– Motion by B. Levin, seconded by E.R. Rothmund and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT for a *NON-DISCIPLINARY* STAYED PROBATION of her LPN license for one (1) year period that incorporates the Board's standard probation agreement requirements regarding practice setting restrictions, supervisor verification, supervision and performance evaluations, active practice and continuing education related conditions, as well as successful completion of three (3) contact hours on Critical Thinking and Nursing Judgment.
9. D. Kenney, RN/PC163604, NUR-2012-0202– Motion by J. Killion, seconded by K. Gehly and voted unanimously, with A. Peckham absent from the room, to DISMISS the complaint without prejudice for insufficient evidence to establish the allegations.
10. M. Lankoande, RN2261783, NUR-2012-0200– Motion by E.R. Rothmund, seconded by J. Killion and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR PROBATION of her RN license for six (6) months that also requires the standard documentation of her successful completion of three (3) contact hours on Legal and Ethical Aspects of Nursing, three (3) contact hours on Critical Thinking and Judgment in Nursing Practice, and completion of the requisite continuing education to meet the Board's regulatory requirements for licensure renewal.
11. R. Eloj, LN69413, NUR-2012-0218– Motion by K. Gehly, seconded by E.R. Rothmund and voted unanimously to DISMISS this complaint without prejudice with a *NON-DISCIPLINARY CAUTION* letter which states that all nurses licensed in the Commonwealth are expected to

adhere to all laws and regulations governing nursing practice including but not limited to ensuring patient safety and maintaining the security of controlled substances.

12. T. Tang, RN2275345, NUR-2012-0237- Motion by E.R. Rothmund, seconded by J. Roy and the vote passing with K. Gehly recusing herself and leaving the room, to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT for a *NON-DISCIPLINARY* STAYED PROBATION of her RN license for one (1) year period allows for employment in the homecare setting and which also incorporates the Board's standard probation agreement requirements regarding supervisor verification, supervision and performance evaluations, active practice and continuing education related conditions, as well as successful completion of three (3) contact hours on Critical Thinking and Nursing Judgment, six (6) contact hours on Care and Assessment of the Patient with Respiratory Compromise, and completion of NCSBN's Learning Extension Course entitled Documentation: A Critical Aspect of Client Care.
13. A. Ohrenberger, RN143580, NUR-2013-0056- Motion by E.R. Rothmund, seconded by B. Levin and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR PROBATION of her RN license for six (6) months that also requires documentation of her successful completion of six (6) contact hours on Medication Administration and Documentation in Nursing, three (3) contact hours on Legal and Ethical Aspects of Nursing, and three (3) contact hours on Critical Thinking and Judgment in Nursing Practice.
14. N. Belliveau, RN274374, NUR-2013-0087- Motion by E.R. Rothmund, seconded by J. Roy and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT for a *NON-DISCIPLINARY* STAYED PROBATION of her RN license for an indefinite period until she submits certified court documentation acceptable to the Board substantiating that she has complied with all court-ordered requirements and that all criminal matters brought against her are closed. The Agreement will *not* incorporate the Board's standard probation agreement requirements regarding practice setting restrictions, supervisor verification, supervision and performance evaluations, active practice and continuing education related conditions. It will however require: (1) the Licensee's continued compliance with all court-ordered requirements, (2) her written notification to the Board within seven (7) days if she is in violation of any court-ordered requirement or any other criminal charge is filed against her, and (3) that the Licensee does not engage in any further or continued conduct as was the basis for this complaint.
15. K. Nickerson, RN214769, NUR-2013-0089- Motion by K. Gehly, seconded by M. Beale and the vote passed with A. Peckham abstaining, to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT for PROBATION of her RN license for one (1) year that includes documentation of her successful completion of six (6) contact hours on Professional Boundaries in Nursing, six (6) contact hours in Therapeutic Care and Communication of the Psychiatric Patient, three (3) contact hours on Legal and Ethical Aspects of Nursing, and three (3) contact hours on Critical Thinking and Judgment in Nursing Practice.
16. C. Brick, RN284789, NUR-2012-0216 - Motion by E.R. Rothmund, seconded by B. Levin and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR SURRENDER of her RN license for at least one (1) year with reinstatement requirements that also include the standard criminal activity

related requirements, documentation of her successful completion of six (6) contact hours on Documentation in Nursing Practice, six (6) contact hours on Legal and Ethical Aspects of Nursing and three (3) contact hours on Critical Thinking and Judgment in Nursing Practice, and a POST-SURRENDER PROBATION for at least one (1) year.

17. A. Springston, RN2269624, NUR-2013-0064 – Motion by J. Killion, seconded by J. Roy and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR REPRIMAND.
18. S. Fitzgerald, RN270347, NUR-2012-0222 – Motion by B. Levin, seconded by E.R. Rothmund and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered SARP if determined eligible or a STANDARD CONSENT AGREEMENT FOR SURRENDER of her RN license for an indefinite period with reinstatement requirements that also include the standard either/or substance abuse related requirements, the standard criminal activity related requirements, documentation of her successful completion of six (6) contact hours on Medication Administration and Documentation in Nursing, three (3) contact hours on Legal and Ethical Aspects of Nursing, three (3) contact hours on Pain Management in Nursing and three (3) contact hours on Critical Thinking and Judgment in Nursing Practice, and a POST-SURRENDER PROBATION for at least one (1) year.
19. K. Scott, RN266710, NUR-2012-0299 – Motion by B. Levin, seconded by E.R. Rothmund and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered SARP if determined eligible or a STANDARD CONSENT AGREEMENT FOR SURRENDER of her RN license for an indefinite period with reinstatement requirements that also include the standard either/or substance abuse related requirements, a standard mental health evaluation (that may be incorporated in the addictionologist evaluation if the Licensee obtains this alternative), the standard criminal activity related requirements, and documentation of her successful completion of six (6) contact hours on Medication Administration and Documentation in Nursing, three (3) contact hours on Legal and Ethical Aspects of Nursing, three (3) contact hours on Pain Management in Nursing, three (3) contact hours on Critical Thinking and Judgment in Nursing Practice, an affidavit from the Licensee attesting that she has reviewed and understands the Board's Standard of Conduct Policy 01-01 regarding Patient Abandonment, and a POST-SURRENDER PROBATION for at least one (1) year.
20. S. Roberts, RN 267660, NUR-2013-0077 – Motion by P. Gales, seconded by B. Levin and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered SARP if determined eligible or a STANDARD CONSENT AGREEMENT FOR SURRENDER of her RN license for an indefinite period with reinstatement requirements that also include the standard either/or substance abuse related requirements, a standard medical evaluation, the standard criminal activity related requirements, documentation of her successful completion of six (6) contact hours on Medication Administration and Documentation in Nursing, three (3) contact hours on Legal and Ethical Aspects of Nursing and three (3) contact hours on Critical Thinking and Judgment in Nursing Practice, and a STANDARD POST-SURRENDER PROBATION for at least one (1) year.
21. P. Ndegwa, LN86690, NUR-2012-0286 – Motion by B. Levin, seconded by P. Gales and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR PROBATION of his LPN license for one year that also requires successful completion, with a passing score of EDGT Head to Toe Assessment, and three (3) contact hours in Critical Thinking and Nursing Judgment.

22. R. Marquis, LN58530, NUR-2012-0242 – Motion by J. Killion, seconded by E.R. Rothmund and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR SURRENDER of her LPN license for five (5) years with reinstatement requirements that also include a standard forensic mental health evaluation, the standard criminal activity related requirements, documentation of her successful completion of six (6) contact hours on Maintaining Professional Boundaries in Nursing Practice, six (6) contact hours on Legal and Ethical Aspects of Nursing, and six (6) contact hours on Critical Thinking and Judgment in Nursing Practice, and a POST-SURRENDER PROBATION for at least one (1) year.
23. K. Messere, RN251098, NUR-2012-0262 – Motion by E.R. Rothmund, seconded by B. Levin and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered SARP if determined eligible or a STANDARD CONSENT AGREEMENT FOR SURRENDER of her RN license for an indefinite period with reinstatement requirements that also include the standard either/or substance abuse related requirements, the standard criminal activity related requirements, documentation of her successful completion of six (6) contact hours on Medication Administration and Documentation in Nursing, three (3) contact hours on Legal and Ethical Aspects of Nursing, three (3) contact hours on Pain Management in Nursing, three (3) contact hours on Effective Communication Skills in Nursing and three (3) contact hours on Critical Thinking and Judgment in Nursing Practice, and a STANDARD POST SURRENDER PROBATION for at least one (1) year.
24. C. Perry, RN165589, NUR-2013-0081 - Motion by E.R. Rothmund, seconded by P. Gales and the vote passed, with C. Lundeen recusing herself and leaving the room, to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered SARP (if determined eligible) or a STANDARD CONSENT AGREEMENT FOR SUSPENSION of her RN license, with reinstatement conditions to also include the standard either/or substance abuse related requirements and completion of a standard mental health evaluation and the standard criminal related requirements. The SUSPENSION to be followed by a STANDARD POST-SUSPENSION PROBATION for at least one (1) year.

B. Resolution of Pending Board Staff Assignments

1. K. McWilliams, RN/NM156043, SA-INV-3011 - Motion by J. Killion, seconded by B. Levin and the vote passed with M. Beale recusing herself and leaving the room, to CLOSE the Staff Assignment WITHOUT FURTHER ACTION.
2. E. Ceffalo, LN47686, SA-INV-2967 – Motion by E.R. Rothmund, seconded by K. Gehly and voted unanimously to CLOSE the Staff Assignment WITHOUT FURTHER ACTION as there is not sufficient evidence to substantiate the allegations presented
3. L. Lennon, LN55018, SA-INV-2740 - Motion by E.R. Rothmund, seconded by P. Gales and voted unanimously to CLOSE the Staff Assignment WITHOUT FURTHER ACTION.

Lunch Recess 12:40 p.m. – 1:19 p.m.

TOPIC:
Practice

DISCUSSION:

- A. AR 9101: *Procedural Sedation and/or Mild to Moderate Sedation/Analgesia* proposed revision
- B. AR 9401: *Nursing Practice Related to Medication Administration* proposed revision

ACTION:

- A. Motion by P. Gales, seconded by B. Levin, and voted unanimously to amend Advisory Ruling 9101: *Procedural Sedation and/or Mild to Moderate Sedation/Analgesia*
 - 1. Update Advisory Ruling 9101: *Procedural Sedation and/or Mild to Moderate Sedation/Analgesia* to include:
 - a. Incorporation of the Board's April 10, 2010 finding that "sole responsibility" means assuring uninterrupted monitoring of patient consciousness and the early detection of adverse signs of deep sedation requiring the monitoring individual to have no other significant responsibilities, i.e., no tasks or duties which would compromise his/her ability to monitor the patient;
 - b. Incorporation of the Board's March 8, 2012 actions that found:
 - i) It is within the scope of practice for a registered nurse to administer medications intended for deep sedation when ordered by a duly authorized prescriber for deep sedation in a patient who is already intubated;
 - ii) The registered nurse must ensure that there are organizational policies that include protocols for registered nurses who administer appropriately prescribed medications intended to produce deep sedation in non-intubated patients. The policies must require that the registered nurse do so in the presence of a provider trained in anesthesia or expert in airway management whose *sole responsibility* is to manage that patient's airway and;
 - iii) Registered nurses who are duly trained and qualified may receive, accept, and transcribe orders from duly authorized prescribers for medications capable of producing deep sedation.
 - 2. Define "deep sedation" according to the American Society of Anesthesiologists definition; and
 - 3. Change the Advisory Ruling 9101 title from *Procedural Sedation and/or Mild to Moderate Sedation/Analgesia* to *Administration of Medications for Sedation/Analgesia* to reflect the additional guidance for the practice of the RN whose clinical responsibilities include the administration and management of medication intended to produce deep sedation.
- B. Motion by E. R. Rothmund, seconded by M. Beal, opposed by C. Lundeen, J. Roy absent and remaining members voted unanimously to amend Advisory Ruling 9401: *Nursing Practice Related to Medication Administration* to:
 - 1. Update Advisory Ruling 9401 to reflect the extension of the Medication Administration Program (MAP) for all supported Department of Children and Families (DCF) clients and youth population in Department of Mental Health (DMH) community programs registered with the DCP pursuant to 105 CMR 700.003 (F);
 - 2. Identify the Medication Administration Program as a non-delegation model of service delivery;
 - 3. Incorporate the term, "Community Program," according to 105 CMR 700.001: *Definitions* as any residential or day program that is funded, operated or licensed by the Massachusetts Department of Mental Health, Department of Developmental Services or Department of Children and Families with the exception of programs funded under Title XIX of the Social Security Act;
 - 4. Update and limit guidance to only those nursing activities that are specific to and aligned with DPH regulations at 105 CMR 700.003: *Registration of Persons for a Specific Activity in Accordance with M.G.L. c. 94C § 7(g)*;
 - 5. Incorporate format changes consistent with more recently issued Advisory Rulings; and

6. Change the title of Advisory Ruling 9401 to *The Role of the Licensed Nurse as Trainer or Consultant for the Department of Public Health Medication Administration Program* to more accurately reflect the Advisory Ruling's scope.

TOPIC:

- A. 244 CMR 6.04(1)(c) & (f) notifications:
 1. Roxbury Community College, CEO, Associate Degree RN and PN Programs
 2. Upper Cape Cod Regional Technical School, Program Administrator, PN Program
 3. MassBay Community College, Program Administrator, Associate Degree RN Program
- B. 244 CMR 6.06(1) Site Survey Recommendations
 1. Bristol-Plymouth Regional Technical School, Practical Nursing Program
 2. Southeastern Technical Institute, Practical Nursing Program
- C. 244 CMR 6.05(2) Application for Initial Approval, Practical Nurse Program, Mildred Elley School

DISCUSSION:

- A. C. Silveira presented an oral compliance report as well as distributed a written report at the meeting.
- B. Members reviewed J. Pelletier's previously distributed memos.
- C. Members reviewed J. Pelletier's previously distributed memo.

ACTION:

- A. Motion by E. Rothmund, seconded by B. Levin, and unanimously voted to find compliance with regulation 244 CMR 6.04(1) (f) in the notification of the appointment of Valerie R. Roberson, President, Roxbury Community College; and to find compliance with regulation 244 CMR 6.04(1)(c) & (f) in the notification of the appointment of: Judith M. Pelletier, MSN, RN, Program Administrator, Upper Cape Cod Regional Technical School; and Gabriela Zakak, MSN/Ed, Program Administrator, Practical Nurse Program, Massachusetts Bay Community College.
- B. Motion by E. Rothmund, seconded by P. Gales, and voted unanimously to find that the Practical Nurse Program, Bristol-Plymouth Regional Technical School, has submitted satisfactory evidence of compliance with the Board's regulations at 244 CMR 6.04(1)(e) and (1) (g), (4)(a) and (4) (b)2.
- C. Motion by P. Gales, seconded by K. Gehly, and voted unanimously to find that the Practical Nurse Program, Southeastern Technical Institute, has submitted satisfactory evidence of compliance with the Board's regulations at 244 CMR 6.04(4)(b) 1, 2, and 5 and (5)(d).
- D. Motion by E. Rothmund, seconded by K. Gehly, and unanimously voted find that the Mildred Elley School has provided satisfactory evidence of its ability to achieve compliance with 244 CMR 6.04: *Standards for Nursing Education Program Approval*; and to grant Mildred Elley School Initial Approval status in the further establishment of the Practical Nursing Program directing the Program Administrator to provide to the Board: 1) the revised clinical contracts to be due no later than November 25, 2013; 2) documentary evidence of its approval to operate a Practical Nurse Program granted by the MA Office of Private Occupational Schools; and 3) documentary evidence of its institutional accreditation granted by the Accrediting Council for Independent Schools and Colleges

(ACISC). The Board's receipt of the institution's ACISC accreditation and MA Office of Private Occupational Schools approval is required within seven business days of the institution's receipt.

TOPIC:

2013 Proposed Legislative Session Bills

DISCUSSION:

Members discussed C. Silveira's previously distributed report, agreeing to further review bills.

ACTION:

Motion by B. Levin, seconded by P. Gales, and unanimously voted to defer action to the Board's October 2013 meeting.

TOPIC:

Proposed SARP Policy 13-01: SARP Eligibility Criteria for Nurses Undergoing Suboxone Opioid Substitution Therapy (OST)

DISCUSSION:

Members discussed D. Mclellan, V. Iyawe, and C. Jackson's previously distributed memo and proposed SARP Policy 13-01: SARP Eligibility Criteria for Nurses Undergoing Suboxone Opioid Substitution Therapy (OST). Peer-reviewed research data and recommendations from experts in the field of addiction and Suboxone Opioid Substitution Treatment (OST) were presented supporting Suboxone's efficacy and limited impact on cognition. Data from a NCSBN survey of twenty six responding jurisdictions with alternative programs showed that nineteen jurisdictions allowed participants to undergo Suboxone OST while participating in their program. Additional monitoring requirements for SARP nurses undergoing Suboxone OST were recommended.

ACTION:

1. Motion by M. Beal, seconded by B. Levin, and unanimously passed to approve SARP Policy 13-01: SARP Eligibility Criteria for Nurses Undergoing Suboxone Opioid Substitution Therapy (OST) as proposed.
2. Motion by M. Beal, seconded by B. Levin, and unanimously passed to approve revised SARP Policy 05-001: SARP Eligibility Criteria and Admission Process incorporating reference to new SARP Policy 13-01.

TOPIC:

Announcements

DISCUSSION:

None

ACTION:

None

TOPIC:

Adjournment

DISCUSSION:

None

ACTION:

Motion by P. Gales, seconded by M. Beal, and passed unanimously to adjourn the meeting at 3:10 p.m.

Respectfully submitted by:

A handwritten signature in cursive script, reading "Caron Robertson", with a long horizontal flourish extending to the right.

Caron Robertson, MSN, RN, Deputy Executive Director
Board of Registration in Nursing

Reviewed by: Mary Strachan, Board Counsel
Board of Registration in Nursing

Agenda with exhibits list attached